

July 11, 2016

**Via ECF and Regular Mail**

The Honorable Kevin McNulty  
United States District Court  
District of New Jersey  
50 Walnut Street, Courtroom PO 04  
Newark, NJ 08608

**Re: HUMC v. United Benefit Fund, et al., D.N.J. Case No. 2:16-cv-00168-KM-MAH**

Dear Judge McNulty:

Defendants United Benefit Fund, Aetna Health Inc. and Omni Administrators Inc. (“Defendants”) write in connection with Plaintiff HUMC OPCO LLC, d/b/a Carepoint Health – Hoboken University Medical Center’s (“Plaintiff”) request for an extension of the motion day of Defendants’ Motion to Dismiss for Lack of Subject Matter Jurisdiction (Dkt. 50), which in turn affects Plaintiff’s time to respond to Defendants’ motion.

Defendants oppose Plaintiff’s request for the following reasons. During a June 14, 2016 status conference before Judge Hammer, Defendants informed the Court that they intended to file a motion to dismiss the Amended Complaint for lack of subject matter jurisdiction (the “Motion”), and that they would do so by July 8, 2016. (Dkt. 49-5 at 22:5-13.) Judge Hammer ordered that Defendants file the Motion by July 8, that Plaintiff’s opposition to the Motion is due July 18, and that Defendants’ reply is due July 25. (*Id.* at 22:14-15.) Counsel for Plaintiff did not object to or raise any concerns about this briefing schedule during the status conference. Defendants filed the Motion on July 8. (*See* Dkt. 49.)

This morning, without even mentioning Judge Hammer’s Order, or conferring with Defendants, Plaintiff filed its request for an extension of the motion day on Defendants’ Motion by two weeks, *i.e.*, until August 15, 2016. Defendants respectfully request that the Court deny Plaintiff’s request.

Respectfully submitted,



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Mark H. Ginsberg

Counsel for Defendants United Benefit Fund and  
Aetna Health Inc.

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line.

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Russell L. Hirschhorn  
Counsel for Defendant Omni Administrators Inc.

cc: All counsel (via ECF)